

PROB 12B
(7/93)

United States District Court

for

Middle District of Alabama

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Gail Y. McNair

Case Number: 2:06cr49-VPM

Name of Sentencing Judicial Officer: The Honorable Vanzetta Penn McPherson, U. S. Magistrate Judge

Date of Original Sentence: September 11, 2006

Original Offense: Theft of Government Property, 18 U.S.C. § 641

Original Sentence: One year probation

Type of Supervision: Probation

Date Supervision Commenced: September 11, 2006

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

You shall participate in the home confinement program, with electronic monitoring, for a period of 3 months, to begin at a time designated by the probation officer. You shall follow the procedures specified by the probation officer and pay the cost of electronic monitoring.

CAUSE

On September 11, 2006, McNair tested positive for cocaine use following her sentencing hearing. The Court was notified of the violation via a petition to modify McNair's conditions of supervision to include participation in drug testing and/or treatment. The Court ordered the modification and McNair's probation supervision was transferred to the Northern District of Alabama (Birmingham). She was residing and employed in Birmingham at the time of her sentencing. While under the supervision of the Birmingham probation office, McNair tested positive for cocaine use from samples collected on October 3, 2006, and January 16, 2007. In addition, on January 13, 2007, McNair was arrested by an Alabama state trooper in Birmingham for driving under the influence of alcohol and driving while license suspended. She is scheduled to appear in Jefferson County District Court on April 2, 2007, to answer the charges. On February 13, 2007, the Birmingham probation office placed McNair in an inpatient treatment facility but she was discharged on February 20, 2007, for health reasons (high blood pressure). McNair's probation supervision was officially transferred back to this district on March 5, 2007.

Since her return to this district, McNair has been placed in intensive outpatient drug treatment via the Chemical Addictions Program and placed on increased drug testing. To date, all urine samples collected in this district have been negative for illegal drug use. In addition, McNair is in compliance with her treatment schedule and appears to be stabilizing. She is also in the process of acquiring new employment in this district. Given McNair's improved

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supervision status and her apparent efforts at rehabilitation, the probation officer deems the above-noted modification to be an appropriate and warranted sanction. McNair has agreed to the proposed modification of her supervision conditions and has executed the attached Probation Form 49 waiving her right to a hearing and assistance of counsel.

Respectfully submitted,

by /s/ Alfred L. Lancaster
Senior United States Probation Officer
Date: March 23, 2007

Reviewed and approved: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

/s/ Wallace Capel, Jr.
Signature of Judicial Officer

March 27, 2007